UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,253	08/01/2003	Peter M. Gits	062891.1113	3296

5073	7590	07/14/2005

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER
ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The *MAILING DATE* of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 May 2005_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _8/01/03; 2/28/05_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement submitted on August 1, 2003 and February 28,

2005 was received. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-4,6-11,13-18,20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gray et al. US Patent 6,915,285.

Regarding claims 1, 15 and 22, Gray teaches a method and computer program stored on

a computer readable medium and a system for providing telecommunication service

(abstract; fig. 1; col. 3, lines 46-65) comprising:

receiving an incoming call request, (col. 3, lines 46-65; col. 9, lines 9-11);

generating a processing event, in response to the incoming call request, (col. 3, line 49-

col. 4, line 45; col. 9, lines 9-25);

transmitting the processing event to an operating space, (col. 3, lines 46-67; col. 4, lines

25-45);

notifying an agent that the processing event is stored in the operating space, (col. 3, lines 46-60; col. 4, lines 33-44);

retrieving the processing event from the operating space with the agent, (col. 4, lines 33-45);

identifying a rule set with the agent, wherein the rule set is associated with the processing event, and wherein the rule set comprises one or more rules, (col. 4, lines 33-45; col. 7, lines 47-63; col. 9, line 50-col. 10, line 4);

identifying a communication device based on the one or more rules, (col. 9, lines 1-44); and

forwarding the incoming call request to the communication device based on the one or more rules, (col. 9, lines 1-44).

Regarding claims 2 and 16, Gray, as applied to claims 1 and 15, teaches wherein the event comprises an event type and wherein notifying an agent comprises notifying an agent associated with the event type, (col. 3, lines 46-65; col. 9, lines 1-44).

Regarding claims 3 and 17, Gray, as applied to claims 1 and 15, teaches wherein the incoming call request identifies a user and wherein identifying a rule set comprises identifying a rule set associated with the user identified by the incoming call request, (col. 7, lines 18-24).

Regarding claims 4 and 18, Gray, as applied to claims 1 and 15, teaches wherein the rule set comprises a first hierarchical subset, comprising one or more rules, and a second hierarchical subset, comprising one or more rules, and wherein forwarding the incoming call request comprises forwarding the incoming call request based on the rules in the first hierarchical subset

and based on any of the rules in the second hierarchical subset that do not contradict rules in the first hierarchical subset, (col. 3, lines 46-65; col. 8, lines 2-64).

Regarding claims 6 and 20, Gray, as applied to claims 1 and 15, teaches wherein forwarding the incoming call request comprises:

deciding to route the incoming call request to a voicemail account based on the rule set, (col. 7, lines 47-63; col. 9, lines 21-44);

generating a voicemail event, (col. 9, lines 21-44);

placing the voicemail event in the operating space, (col. 9, lines 21-44);

notifying a voicemail agent that the voicemail event has been placed in the operating space, (col. 9, lines 21-44); and

forwarding the incoming call request to a voicemail system with the voicemail agent, (col. 9, lines 21-44).

Regarding claims 7 and 21, Gray, as applied to claims 1 and 15, teaches wherein forwarding the incoming call request comprises:

transmitting a ring signal to a communication device, (col. 7, lines 47-63; col. 9, lines 21-44);

generating a voicemail event, if an off-hook signal is not received within a predetermined time, (col. 9, lines 21-44);

placing the voicemail event in the operating space, (col. 9, lines 21-44);

notifying a voicemail agent that the voicemail event has been placed in the operating space; and forwarding the incoming call request to a voicemail system with the voicemail agent, (col. 9, lines 21-44).

Regarding claim 8, Gray teaches a system for providing telecommunication service (abstract; fig. 1; fig. 1; col. 3, lines 46-65) comprising:

a double agent, operable to generate a processing event from an incoming call request and store the event in an operating space, (col. 3, line 49-col. 4, line 45), and further operable to retrieve a processed event from the operating space and forward the incoming call request based on the processed event, (col. 4, lines 25-45; col. 9, lines 9-25);

an operating space, operable to store the processing event and operable to store the processing event, (col. 4, lines 33-44);

a plurality of rule sets, wherein each rule set comprises one or more rules for processing the incoming call request, (col. 9, line 50-col. 10, line 4); and

a processing agent operable to:

retrieve the processing event from the operating space, (col. 4, lines 33-45);

identify a rule set associated with the processing event, (col. 4, line 33-45; col. 7, lines 47-63; col. 9, line 50-col. 10, line 4);

generate a processed event based on the identified rule set; and store the processed event in the operating space, (col. 9, lines 1-44).

Regarding claim 9, Gray, as applied to claim 8, teaches wherein the processing event comprises an event type and wherein the operating space is further operable to notify processing agents associated with the event type that the double agent stored the processing event in the operating space, (col. 3, lines 46-65; col. 9, lines 1-44).

Regarding claim 10, Gray, as applied to claim 8, teaches wherein the incoming call

request identifies a user and wherein the processing agent is further operable to identify a rule set

based on the identified user, (col. 7, lines 18-24)

Regarding claim 11, Gray, as applied to claim 8, teaches wherein the one or more rules

comprises a first hierarchical subset, comprising one or more rules, and a second hierarchical

subset, comprising one or more rules, and wherein the processing agent is further operable to

generate a processed event based on the first hierarchical subset and based on any of the rules in

the second hierarchical subset that do not contradict rules in the first hierarchical subset, (col. 3,

lines 46-65; col. 8, lines 2-64).

Regarding claim 13, Gray, as applied to claim 8, teaches a voicemail agent, and wherein

the double agent is further operable to forward the incoming call request by:

sending a ring signal to a communication device, (col. 4, lines 25-45; col. 7, lines 47-63;

col. 9, lines 9-25);

waiting a predetermined period of time after sending the ring service request, (col. 4,

lines 25-45; col. 9, lines 9-25);

placing a voicemail event in the operating space, (col. 9, lines 21-44);

notifying a voicemail agent of that the voicemail event has been placed in the operating

.space, (col. 9, lines 21-44); and

forwarding the incoming call request to a voicemail system, (col. 9, lines 21-44);

Regarding claim 14, Gray, as applied to claim 8, teaches a voicemail agent, and wherein

the double agent is further operable to forward the incoming call request by:

> determining based on the rule set that the incoming call request should be routed to a

voicemail account, (col. 7, lines 47-63; col. 9, lines 21-44);

> generating a voicemail event, (col. 9, lines 21-44);

> placing the voicemail event in the operating space;

> notifying a voicemail agent that the voicemail event has been placed in the operating

space, (col. 9, lines 21-44); and

> forwarding the incoming call request to a voicemail system with the voicemail agent,

(col. 9, lines 21-44);

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness
>   or nonobviousness.

6.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   Claims 5,12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray

et al. US Patent 6,915,285 in view of Bondarenko et al. US Patent Pub. 2004/0083479.

Regarding claims 5,12 and 19, Gray, as applied to claims 1,8 and 15, does not

specifically teach wherein the operating space comprises a Javaspace.

In the same field of endeavor, Bondarenko teaches wherein an operating space comprises

a Java space, (paragraphs 0017,0055,0058).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Gray by using a Javaspace as taught by Bondarenko so that XML-

based mechanisms and protocols for enabling relatively platform independent communication

and process execution between two or more dedicated parties involved can be performed.

Conclusion

8.   Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, Virginia 22313-1450

or faxed to:

> (571) 273-8300, (for formal communications intended for entry)

Or:

> (571) 273-7537, (for informal or draft communications, please label
> "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The

examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be

reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante
Examiner
Group 2645
July 8, 2005

O.E./oe